

**Baker & Hostetler LLP**

45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Nicholas J. Cremona  
Jorian L. Rose  
Amy E. Vanderwal  
Stephanie A. Ackerman

Hearing Date: April 19, 2023  
Hearing Time: 10:00 a.m. (EST)  
Objections Due: April 12, 2023  
Objection Time: 4:00 p.m. (EST)

*Attorneys for Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

**CERTIFICATE OF NO OBJECTION TO TRUSTEE'S  
MOTION AND MEMORANDUM OF LAW TO AFFIRM HIS  
DETERMINATIONS DENYING CLAIMS OF CLAIMANTS  
HOLDING INTERESTS IN PEERSTATE EQUITY FUND LP, GETTINGER  
MANAGEMENT LLC PROFIT SHARING PLAN, AND SMT INVESTORS LLC**

Irving H. Picard, trustee for the substantively consolidated liquidation of the business of  
Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15

U.S.C. § 78aaa *et seq.*, and the chapter 7 estate of Bernard L. Madoff, by and through his undersigned counsel, submits this certificate pursuant to Local Bankruptcy Rule 9075-2, and respectfully represents:

1. On March 10, 2023, the Trustee filed the Trustee's Motion to Affirm his Determinations Denying Claims of Claimants Holding Interests in Peerstate Equity Fund LP, Gettinger Management LLC Profit Sharing Plan, and SMT Investors LLC (the "Motion") (ECF No. 23003), the Declaration of Stephanie Ackerman in Support of the Motion (ECF No. 23004), and the Declaration of Vineet Sehgal in Support of the Motion (the "Sehgal Declaration") (ECF No. 23005).

2. The deadline for serving the Trustee with objections to the Motion expired on April 12, 2023, at 4:00 p.m.

3. Notice of the Motion was provided by U.S. Mail, postage prepaid or email to (i) all claimants (and their counsel) listed on Exhibits A and B annexed to the Sehgal Declaration; (ii) all parties included in the Master Service List as defined in the Order Establishing Notice Procedures (ECF No. 4560); (iii) all parties that have filed a notice of appearance in this case; (iv) the SEC; (v) the Internal Revenue Service; (vi) the United States Attorney for the Southern District of New York; and (vii) the Securities Investor Protection Corporation. (*See* Affidavit of Service at ECF No. 23038).

4. To date, counsel for the Trustee has not received an objection, responsive pleading, or request for a hearing with respect to the Motion. Counsel for the Trustee also reviewed the Court's docket not less than forty-eight (48) hours after expiration of the time to serve an objection, and to date, no objection, responsive pleading, or request for a hearing with respect to the Motion appears thereon. Additionally, no party has indicated to the Trustee that it

intends to oppose the relief requested in the Motion.

5. An electronic copy of a proposed order (the “Order”), that is substantially in the form of the proposed order that was annexed to the Motion, and Exhibits A and B thereto, will be submitted to the Court along with this certificate.

6. Pursuant to Local Bankruptcy Rule 9075-2, the Trustee respectfully requests that the Order be entered without a hearing.

Dated: April 14, 2023  
New York, New York

Respectfully submitted,

/s/ David J. Sheehan

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Tel: (212) 589-4200

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David J. Sheehan

Email: dsheehan@bakerlaw.com

Nicholas J. Cremona

Email: ncremona@bakerlaw.com

Jorian L. Rose

Email: jrose@bakerlaw.com

Amy E. Vanderwal

Email: avanderwal@bakerlaw.com

Stephanie A. Ackerman

Email: sackerman@bakerlaw.com

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